

### REMARKS

As a Supplement to the Amendment filed on May 19, 2004 and in response to the Examiner's rejection under 35 U.S.C. § 103 of all claims remaining in the application as being obvious, please find enclosed two (2) Affidavits in support of the current application's patentability and a finding that the claims as they currently stand are non-obvious and define over the prior art of record.

In particular, it is noted that these Affidavits are from seed potato experts including the Administrative Director of the Wisconsin Seed Potato Certification Program in the Department of Plant Pathology at the University of Wisconsin and a Farm Manager at the University of Wisconsin Lelah Starks Elite Foundation Seed Potato Farm.

These Affidavits reinforce that there has long been recognized a problem in the area of cutting seed potatoes with respect to contamination and the spread of disease and that the current application solves these problem and meets this long felt need. It is believed that these Affidavits will further bolster the previous amendment and that the claims as they now stand are allowable and any rejections of the remaining claims have been rendered moot by the previous amendment and the addition of these supplemental affidavits.

In view of the above remarks, reconsideration and allowance of the claims is kindly requested as per the Amendment filed on May 19, 2004 and the enclosed Supplemental Amendment. Should any matters remain outstanding that may be handled over the phone the examiner is encouraged to call.

Respectfully Submitted,

Date: 10-14-04



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**Applicant: Zelinski, Jr. et al.**

**Serial No.: 09/935,335**

**Filed: 08/21/2001**

**For: High Pressure Seed Potato Cutter**

State of Wisconsin                     )  
   )SS  
County of ONEIDA                     )

I, Jack Guenthner, being duly sworn depose and say;

1. That I am a Farm Manager at the University of Wisconsin Lelah Starks Elite Foundation Seed Potato Farm.
2. That I have been a farmer and farm manager for four (4) years.
3. That seed potatoes require cutting prior to planting.
4. That disease spread through cutting has been a problem for as long as I have been in the business.
5. That traditionally, seed potatoes are hand cut prior to planting and that between each cut, the workers dip the knives in a disinfectant solution, a slow, imperfect and labor intensive process.
6. That I have reviewed water jet technology and it appears it will solve the long standing problem of disease spread through cutting tools.

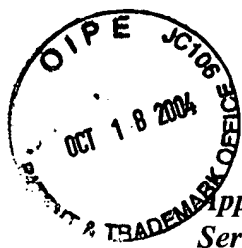
Further deponent saith not.

Jack Guenthner  
Jack Guenthner

Sworn and subscribed to before me this  
10<sup>th</sup> day of September, 2004.

[Signature]  
Notary Public  
My Commission Expires: 01-08-2006





Applicant: *Zelinski, Jr. et al.*  
Serial No.: 09/935,335  
Filed: 08/21/2001  
For: *High Pressure Seed Potato Cutter*

State of Wisconsin                     )  
  )SS  
County of Dane                     )

I, Amy Charkowski, being duly sworn depose and say;

1. That I am an Assistant Professor and Administrative Director of the Wisconsin Seed Potato Certification Program in the Department of Plant Pathology at the University of Wisconsin-Madison.
2. That I have been involved with University research on seed potato production for 3 years.
3. That University research in seed potato production have their origins in the early 1900s as it first became widely accepted that seed potato production practices could reduce pathogen spread and significantly increase yield. A large part of the effort in pathogen spread reduction over the next eighty (80) years is involved in improving sanitation in all aspects of seed potato production, including seed cutting, to reduce pathogen spread.
4. That the cutting of seed tubers has long been recognized as a primary means for transmitting pathogens between tubers. Pathogens may survive for years on surfaces, thus improperly disinfected cutting equipment can not only spread a pathogen from the current years crop, but may have retained and be able to spread pathogens from the past years crop as well.
5. That seed cutting is the primary mode for the spread of important bacterial pathogen *Clavibacter michiganensis* subsp. *sepedonicus* (formally *Corynebacterium sepedonicum*) as well as an important mode of spread for other important bacterial pathogens, such as *Erwinia carotovora*, and *Ralstonia solanacearum*. It is also the primary mode of spread for several important potato viruses and viroids, including *Potato Virus X*, *Potato Virus S* and *Potato Spindle Tuber Viroid*.
6. That pathogens spread through seed potato cutting remains an issue as there has been no reliable and efficient means to date to cure tubers. Commercial seed potato farms using mechanical knives do not disinfect the knives between tubers and therefore, the spread of pathogens at seed cutting remains an issue for seed farms throughout the United States.
7. That I have reviewed the U.S. Patent Application Serial No. 09/935,335 for the High Pressure Seed Potato Cutter and it is my opinion that this eliminates the spread of pathogens between each cut associated with seed cutting caused by the cutting utensil.

Further deponent saith not.

Sworn and subscribed before me this  
Day of August, 2004.

[Signature]  
Notary Public  
My Commission Expires: 11.26.04

